

Dr. Ernst Berndt – Disgorgement Report

On behalf of the Plaintiff States, Dr. Ernst Berndt, Professor Emeritus in Applied Economics at MIT, will opine about how Defendants' manipulated the FDA's regulatory process and delayed generic Suboxone tablets from entering the market between six to nine months. Dr. Berndt calculated a disgorgement number for Reckitt and MonoSol's ill-gotten gains. Dr. Berndt identified analogs of comparable pharmaceutical line extensions -- similar product reformulations with similarly large sales, during the relevant time period, where the product reformulation also enjoyed at least twenty four months without generic competition as to the older formulation (since Suboxone film would have been on the market for 24 months before generic Suboxone tablets absent Reckitt's conduct) -- to determine what share of Suboxone sales would have been Suboxone film (as opposed to tablets) and then uses the results of this analog analysis to calculate what Defendants' revenues would have been but for Defendants' anticompetitive conduct. On rebuttal, Dr. Berndt responds to opinions offered by Reckitt's economist, Dr. Normann, and MonoSol's economist, Dr. Ordoover, by explaining the various shortcomings of their respective opinions, including their failure to provide any counter analysis. Dr. Berndt's opening Disgorgement report is 31 pages, and his rebuttal Disgorgement report is 14 pages.